
(2026) 01 GAU CK 1391
In the Gauhati High Court
Case No : WP(C) Of 89 Of 2026

Pankaj Das

APPELLANT

Vs

State Of Assam And 2 Ors

RESPONDENT

Date of Decision : 09-01-2026

Acts Referred:

Citation : (2026) 01 GAU CK 1391

Hon'ble Judges : Devashis Baruah, J

Bench : Single Bench

Advocate : S. Biswas, J. K. Goswami

Final Decision : Disposed Of

Judgement

Devashis Baruah, J

1. Heard Mr. S. Biswas, the learned counsel appearing on behalf of the petitioner and Mr. J. K. Goswami, the learned Government Advocate who appears on behalf of the respondents.

2. The petitioner herein has approached this Court seeking a writ in the nature of certiorari to set aside the impugned order dated 07.12.2023 passed by the respondent No.3 and further seeking a writ in the nature of mandamus thereby directing the said respondent to reinstate the petitioner with all consequential benefits.

3. From the materials on record, it is seen that a Departmental Proceedings was initiated against the petitioner on the basis of a show cause notice dated 26.09.2023 alleging inter alia that the petitioner had demanded a bribe of Rs.2000/-. Pursuant to the show cause notice, the petitioner submitted the statement of defence and in pursuance thereto, an enquiry report was submitted by the Enquiry Officer opining that it has been proved beyond doubt that the petitioner had illegally demanded Rs.2000/- and he was departmentally not entrusted with any checking duty. In pursuance thereof, a second show cause

notice was issued along with the enquiry report asking the petitioner to submit a reply. The petitioner duly submitted a reply to the said show cause notice. The Disciplinary Authority thereupon passed an order on 07.12.2023 holding that the petitioner was guilty of misconduct alleged against him and he was imposed the major punishment of dismissal from service.

4. The petitioner being aggrieved preferred an Appeal against the order dated 07.12.2023 before the respondent No.2. The Appeal, however, has not yet been disposed of, for which the petitioner had also submitted a reminder on 12.08.2025.

5. Taking into account that the Appellate Authority has not exercised its jurisdiction vested upon it by law, the petitioner has been compelled to approach this Court challenging the order dated 07.12.2023 passed by the Disciplinary Authority.

6. This Court has duly heard the learned counsels appearing on behalf of the parties and it is the opinion of this Court that as the petitioner has already preferred an Appeal before the Appellate Authority, this Court at this stage should not opine anything on merits. Rather, it would be in the interest of justice for passing an appropriate direction upon the Appellate Authority to dispose of the Appeal as expeditiously as possible.

7. Consequently, this Court therefore disposes of the instant writ petition with the following observations and directions:-

(i) The respondent No.2 is directed to dispose of the Appeal as expeditiously as possible and not later than two months from the date a certified copy of this order is served upon the respondent No.2.

(ii) For the sake of clarity, this Court further finds it pertinent to observe that in the circumstance the Appeal filed by the petitioner has already been disposed of, the respondent No.2 is further directed to forthwith intimate the petitioner about the order so passed in the Appeal proceedings.

(iii) This Court further observes that in the circumstance the petitioner is aggrieved by the order passed in the Appeal, the petitioner would be at liberty to again approach this Court.